

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION No :3393 of 2006

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DATED:06-03-2007

J.Venkateswararao & another.

.....
PETITIONERS

AND

The Commissioner of Police,
Cyberabad,
Lakdikapool,
Hyderabad & 2 others.

.....**RESPONDENTS**

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ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents particularly 3rd respondent herein in interfering with the construction of the building of the petitioners in Plot No.89 in Sy.No.198 to 203 of Block No.8, New Dilsukhnagar, Kothapet village, L.B.Nagar municipality, Rangareddy District, as illegal, and arbitrary.

3. It is stated that each of the petitioners purchased an extent of 150 sq.yards in plot No.89 in Sy.No.198 to 203 of Block No.8, New Dilsukhnagar, Kothapet village, L.B.Nagar municipality, Rangareddy District, totaling 300 sq.yards, vide registered sale deeds bearing document Nos.12570/2005 and 1257/2005, dated 19-12-2005 respectively, from its lawful owner-L.Ramakrishna. They have also obtained sanction from the L.B.Nagar municipality vide proceedings No.G3/BO/875/2005, dated 27-01-2006, for construction of the residential houses and while they were constructing the same in accordance with law, the 3rd respondent is illegally interfering with their construction activities and stopping the work. Thus, it is stated that the action of the respondents in interfering with the construction of the houses which are being made in accordance with the permission sanctioned by the L.B.Nagar municipality, is illegal and without any

justification.

4. Counter has been filed stating that one Smt. A.Shakunthaladevi, w/o Capt. Ramaswamy Naidu lodged a complaint on 23-01-2006 against the petitioners alleging that she has an open plot at Dwarakapuri colony, Road No.5, Dilsukhnagar, Hyderabad, and the petitioners broke open the lock of the compound wall of their plot and another lock was put in the said property. The said written complaint does not say anything about the plot number, survey number, but however, based on the said written complaint, Cr.No.59 of 2006 for the offence punishable under Sections 447, 427, and 420 IPC has been registered against the 1st petitioner and the said Ramakrishna. It is stated that the police never interfered with the construction activities and never helped the antisocial elements instead of protecting the rights of the citizens who have lawfully purchased the property.

5. Learned counsel appearing for the petitioners submits that in fact, the said Shakunthaladevi filed O.S.No.1237 of 2006 on the file of the Principal Junior Civil Judge, L.B.Nagar, Rangareddy District against the petitioners herein for grant of perpetual injunction in respect of the plot bearing No.72 in Sy.No.198 to 203, admeasuring 300 sq.yards situated at Kothapet village, L.B.Nagar municipality, Rangareddy District, but whereas, the property of the petitioners is in plot No.89 in Sy.No.198 to 203.

6. I am not inclined to express any opinion whether the suit schedule property claimed by the complainant is the same that has been purchased by the petitioners in which constructions have been made, as it is for the respective parties to establish their right, title, and possession in the civil Court. The prayer in the Writ Petition is only

against the Station House Officer, Saroornagar, not to interfere with the construction of the building in the said plot No.89 in Sy.No.198 to 203 in Block No.8, New Dilsukhnagar, Kothapet village, L.B.Nagar municipality, Rangareddy District, and as it is stated in the counter that the police never interfered with the construction activities.

7. Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the 3rd respondent not to interfere with the construction of the building of the petitioners. No order as to costs.

V.ESWARAIAH,J

06th March, 2007.

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